

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DARNELL QUEEN,)	
)	
Plaintiff,)	
)	
v.)	1:21-cv-323
)	
K. A. DIETRICH, D. J. BENOTTI,)	
P. CAFFEY, H. JEFFERSON, S. D.)	
BROWN, S. L. KILMER, REGIONAL)	
AUTO CENTER TOWING, STEVE KAHN,)	
UNKNOWN INSURANCE COMPANY, and)	
UNKNOWN BONDING COMPANY, in)	
their Individual and Official)	
Capacity,)	
)	
Defendants.)	

ORDER

This matter is before this court for review of the Order and Recommendation ("Recommendation") filed on July 14, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 5.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be granted. The Recommendation was served on the parties to this action on July 14, 2022, (Doc. 6). Plaintiff filed objections, (Doc. 7), to the Recommendation. Plaintiff also filed a pleading "Notice of Objection and Declaration," (Doc. 11), objecting to the Magistrate Judge's Order, (Doc. 10), denying Plaintiff's Motion Requesting Leave to Amend, (Doc. 8).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge=s] report or specified proposed findings or recommendations to which objections are made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge=s Recommendation. This court therefore adopts the Recommendation.

Plaintiff also objects to the Magistrate Judge's order denying Plaintiff's motion to amend, (Doc. 10), (Doc. 11.) This court will not disturb a Magistrate Judge's ruling on non-dispositive pretrial matters unless the ruling is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A)¹ The Magistrate Judge's ruling is not clearly erroneous or contrary to law. The Order, (Doc. 10), is therefore affirmed.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 5), is **ADOPTED. IT IS FURTHER ORDERED** that Plaintiff's Complaint, (Doc. 2), be, and the same is hereby,


¹ Following review of the record, this court would make a de novo ruling denying the motion to amend if called upon to do so.

DISMISSED pursuant to 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Magistrate Judge's Order, (Doc. 10), is **AFFIRMED**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 27th day of March, 2023.


United States District Judge